

Appl. No. 10/633,828

Amdt. dated May 18, 2004

Reply to Office Action of February 19, 2004

### REMARKS/ARGUMENTS

Claims 5-8 are pending in this application. Independent Claim 5 has been amended to overcome the rejection based on 35 U.S.C. 112 and the cited prior art.

Claims 5-8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, it is asserted that the use of the term "web" to describe the bath tissue web and the paper towel web is confusing. To meet this objection, independent claim 5 has been amended to designate the two webs as a "first tissue web" and a "second tissue web". In addition, the recited parent rolls have also been designated as the "first parent roll" and the "second parent roll" to eliminate any confusion. It is believed these amendments meet the basis for rejection.

Claims 5-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/39393 to Chen, which teaches a papermaking process that uses a three-dimensional rush transfer fabric. It is asserted that the transfer fabric of Chen is a throughdrying fabric as claimed and that the transfer fabric of Chen exhibits the same topography as set forth in claims 5-8.

However, Applicants do not agree that the "transfer fabric" of Chen is a "throughdrying fabric" as claimed by Applicants. Transfer fabrics and throughdrying fabrics perform distinctly different functions in the overall tissue making process, as do other papermaking fabrics that may be used in a throughdrying process, such as forming fabrics and carrier fabrics. As understood in the tissue art, the term "transfer fabric" describes a papermaking fabric that transfers the tissue web to the throughdrying fabric in a throughdrying process. The term "throughdrying fabric" describes the fabric that supports the tissue web while it is being dried as it is carried over a throughdryer. The teachings of Chen are consistent with this general understanding. See Chen, for example, at page 1, lines 20-25; Figure 1; page 6, lines 2-3; page 6, lines 13-14; page 10, lines 30-34. As pointed out in the rejection, Chen also incorporates Wendt et al by reference. Consistent with the foregoing, Wendt et al. also distinguishes between the transfer fabric and the throughdrying fabric, the transfer fabric being designated as fabric 17 and the throughdrying fabric being designated as fabric 19 as noted in the rejection. Furthermore, Applicants use the terms "transfer fabric" and "throughdrying fabric" consistent with the conventional understanding. See, for example, Applicants Figure 1 and attendant description, where fabric 8 is the transfer fabric and fabric 15 is the throughdrying fabric upon which the web is supported during throughdrying.

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However, to avoid any possible misunderstanding, independent claim 5 has been amended, consistent with the foregoing, to recite that the tissue web is throughdried while supported by the throughdrying fabric. Therefore, since Chen explicitly teaches a transfer fabric and does not teach the use of a throughdrying fabric as claimed by Applicants, Chen does not anticipate claims 5-8.

It is therefore believed that this application is now in condition for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3616.

Respectfully submitted,

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#### CERTIFICATE OF FACSIMILE TRANSMITTAL

I, Judy Garot, hereby certify that on May 18, 2004 this document is being being transmitted via facsimile (fax no. 703-872-9306) to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Judy Garot